



ASSOCIATION OF  
EQUIPMENT MANUFACTURERS

AGRICULTURE  
CONSTRUCTION  
FORESTRY  
MINING  
UTILITY

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OSHA Docket Office  
Docket No. OSHA- 2010-0034  
Occupational Safety and Health Administration  
U.S. Department of Labor  
Room N-2625  
200 Constitution Avenue NW  
Washington, DC 20210

### **Proposed Revisions to Standard for Occupational Exposure to Respirable Crystalline Silica**

Thank you for the opportunity to comment on the Occupational Safety and Health Administration's (OSHA) Proposed Revisions to the Standard for Occupational Exposure to Respirable Silica, Docket No. 2010- 0034.

The Association of Equipment Manufacturers (AEM) is the North American-based international trade group comprised of more than 900 companies and 200 product lines in the agriculture, construction, forestry, mining and utility sectors worldwide. AEM shares OSHA's commitment to establishing a safe and healthy work environment for U.S. workers and the agency's goal of diminishing worker exposure to respirable silica.

OSHA's proposed rule however, would undermine industry efforts in enhancing worker place safety and impose significant costs to operators and manufacturers of certain products. Attempting to comply with new permissible exposure limit rules that are subject to variation and not feasible to achieve will add significant burden to the industry with questionable improvement to the health and safety of workers.

AEM, as part of the Silica/ Asphalt Milling Machine Partnership, has spent the past ten years working with coalition members to improve worker place safety and establish best practices to diminish exposure to respirable crystalline silica. AEM fully supports the Silica/ Asphalt Milling Machine Partnership's submission to OSHA on the Proposed Revisions to the Standard for Occupational Exposure to Respirable Silica, Docket No. 2010- 0034. Given that AEM represents over 200 products lines, we also want to highlight the following concerns we have with OSHA's proposed rule that impact equipment manufacturers.

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**AEM believes that some of the specified controls set forth in the proposed silica regulation's TABLE 1- EXPOSURE CONTROL METHODS FOR SELECTED CONSTRUCTION OPERATIONS ("Table 1") are too narrowly drawn and exclude other available technology that is equally as effective as those listed in Table 1.**

- Specifically, the requirement in Table 1 that Vehicle-Mounted Drilling Rigs and Earth Moving Equipment should be equipped with a filtration system containing a prefilter and HEPA filter excludes the practical use of non-HEPA filters, which if properly selected, are equally as effective in reducing silica dust as HEPA filters.
- The language in the table is broadened to include the use of alternative filtration systems that are effective at reducing silica to below the permissive exposure levels.

**The introduction of enhanced technology for half-lane and full-lane milling machines when used in accordance with best industry practices eliminates the need for respirators during milling operations.**

- Optimized water-spray dust-suppression systems currently on the market drastically reduce user exposure to dust and silica, as do dust evacuation systems.
- OSHA should reconsider the language in Table 1 that respirators are required for use in milling machines after four hours of use. This is in order to remove potential hazards posed by respirators during milling operations, such as improper use and impaired vision, which can result in increased risk to the health and welfare of the workforce.

**OSHA's preliminary economic assessment in support of this proposed rule has underestimated the costs for training, monitoring and the amount of staff necessary for implementing the requirements of the proposed rule.**

- AEM recommends that OSHA withdraw its proposal until it can conduct a proper economic assessment of the costs associated with compliance, and be reasonably certain the adoption of the new PEL is necessary and will not result in the creation of other offsetting hazards not related to respirable crystalline silica.

AEM looks forward to continuing our work with OSHA on enhancing worker place safety, and we thank you for this opportunity to submit our industry's comments.

Sincerely,



Nick Yaksich

Vice President, Industry and Government Relations